



City of Dublin

Office of the City Manager

5200 Emerald Parkway • Dublin, OH 43017-1090

Phone: 614-410-4400 • Fax: 614-410-4490

Memo

To: Members of Dublin City Council

From: Marsha I. Grigsby, City Manager */mjc*

Date: December 31, 2014

Initiated By: Terry Foegler, Director of Strategic Initiatives/Special Projects
Philip K. Hartmann, Assistant Law Director

Re: RESOLUTION 07-15 - INTENT TO APPROPRIATE A 0.006 ACRE, MORE OR LESS, FEE SIMPLE INTEREST FROM THE ESTATE OF BASIL J. BROWN, FOR THE PROPERTY LOCATED OFF RIVERSIDE DRIVE, NORTH OF DALE DRIVE, FOR THE RELOCATION OF RIVERSIDE DRIVE.

BACKGROUND

The City of Dublin ("City") is preparing to construct and relocate Riverside Drive north of Dublin-Granville Road and south of Tuller Road (the "Project"). The City must obtain property interests from various landowners located within the City in order to construct this Project. Much of the property acquisition has been completed; however, this 0.006 acre parcel still needs to be acquired for the Project (the "Orphan Parcel").

The last known owner of the Orphan Parcel was Basil J. Brown, who took title of much of the property around the Orphan Parcel in 1907. In 1928, Mr. Brown conveyed out the former Jen-Josh, LLC parcel, excepting out of the conveyance the 0.006 acre Orphan Parcel to be used for an alleyway access. Mr. Basil died around 1945 and his heirs have not been identified. As such, the Orphan Parcel appears to be vested in the Estate of Basil J. Brown.

The City must obtain this Orphan Parcel for the construction of the Project; this Resolution begins the eminent domain process in the event appropriation is necessary. Since the property owner cannot be identified, the City will likely proceed with a petition for appropriation to lawfully acquire the Orphan Parcel.

ACQUISITION

The property acquisition consists of the following property interests from the Estate of Basil J. Brown, as depicted in the exhibits attached hereto:

Property Owner	Property Interests	Auditor Parcel ID Number
The Estate of Basil J. Brown	Fee Simple Interest (0.006 acre ±)	No Auditor Parcel Number

RECOMMENDATION

Staff recommends approval of Resolution No. 07-15 as the approval of the Resolution will keep the Project moving forward.

RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

07-15

Resolution No. _____

Passed _____

, 20 _____

A RESOLUTION OF INTENT TO APPROPRIATE A 0.006 ACRE, MORE OR LESS, FEE SIMPLE INTEREST FROM THE ESTATE OF BASIL J. BROWN, FOR THE PROPERTY LOCATED OFF RIVERSIDE DRIVE, NORTH OF DALE DRIVE, FOR THE RELOCATION OF RIVERSIDE DRIVE.

WHEREAS, the City of Dublin (the "City") will be relocating Riverside Drive to the east of its current location, between Dublin-Granville Road and Tuller Road (the "Project"); and

WHEREAS, said Project requires that the City obtain a 0.006 acre, more or less, fee simple interest from the Estate of Basil J. Brown, as described in the Exhibit labeled "A" and depicted in the Exhibits labeled "B," all attached hereto, said property interest located in the City of Dublin, County of Franklin, State of Ohio.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Dublin, State of Ohio, _____ of the elected members concurring that:

Section 1. Council considers it necessary and declares its intention to appropriate, for the purpose of relocating Riverside Drive, a fee simple interest as described in the Exhibit labeled "A" and depicted in the Exhibit labeled "B," all attached hereto.

Section 2. The City Manager is hereby authorized to cause written notice of the passage of this Resolution to be served upon the owner and persons in possession or having an interest of record in the property described in the Exhibit labeled "A" and depicted in the Exhibit labeled "B," and this notice shall be served according to law.

Section 3. This Resolution shall take effect and be in force from and after the earliest date permitted by law.

Passed this _____ day of _____, 2015.

Mayor – Presiding Officer

ATTEST:

Clerk of Council

Exhibit A

0.006 ACRE

Situated in the State of Ohio, County of Franklin, City of Dublin, lying in Lot 11, Quarter Township 3, Township 2, Range 19 of the United States Military Lands, and being the remainder of the tract conveyed to Basil J. Brown by deed of record in Deed Book 460, Page 519, being the 8-foot wide strip of land originally described in Deed Book 912, Page 487 (all references are to the records of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows:

BEGINNING, FOR REFERENCE, at a magnetic nail set at the intersection of the centerline of Dale Drive (60 foot width) extended as shown on Plat Book 58, Pages 81 and 82 with State Route 257 (right-of-way width varies), also known as Riverside Drive as shown on the right-of-way plans DUBLIN-BELLEPOINT ROAD S.H. 558 SEC. A FRANKLIN COUNTY OHIO (1940) AND S.H. 558 SEC. A PT. (1944) on file with the Ohio Department of Transportation, District 6, Delaware, Ohio, also being in the westerly line of the remainder of the 9.356 acre tract conveyed to Village Square Center Ltd. by deed of record in Deed Book 3672, Page 531 and the easterly line of the 2.187 acre tract conveyed to the Village of Dublin, Ohio by deed of record in Official Record 7570C02;

thence North 16° 01' 44" West, with the original centerline of State Route 257, with said easterly line, partly with said westerly line and the westerly line of the 1.318 acre tract conveyed to Peace Hanson, LLC by deed of record in Instrument Number 201006220077436, a distance of 229.85 feet, to the southwesterly corner of the 0.34 acre tract conveyed to Jen-Josh, LLC by deed of record in Instrument Number 200202270051981 and northwesterly corner of said 1.318 acre tract;

thence North 75° 10' 29" East, with the line common to said 1.318 acre and 0.34 acre tracts (passing a 5/8 inch iron rebar found at 57.99 feet), a distance of 218.66 feet, to an iron pin set at the southeasterly corner of said 0.34 acre tract and the southwesterly corner of the remainder of said Brown tract, being the **TRUE POINT OF BEGINNING**;

thence North 15° 30' 28" West, with the line common to said 0.34 acre tract and the remainder of said Brown tract, a distance of 32.17 feet, to an iron pin set at a common corner thereof and in the southerly line of the 12.884 acre tract conveyed to the City of Dublin, Ohio by deed of record in Instrument Number 201212310201439, also in the northerly line of said Lot 11, Quarter Township 3;

thence South 86° 21' 53" East, with the line common to said 12.884 acre tract and the remainder of said Brown tract and the northerly line of Lot 11, Quarter Township 3, a distance of 8.47 feet, to an iron pin set at the northeasterly corner of the remainder of said Brown tract and a northwesterly corner of said 1.318 acre tract;

thence South 15° 30' 28" East, with the line common to said 1.318 acre tract and the remainder of said Brown tract, a distance of 29.49 feet, to an iron pin set at a common corner thereof;

thence South 75° 10' 29" West, with the line common to said 1.318 acre tract and the remainder of said Brown tract, a distance of 8.00 feet, to the **TRUE POINT OF BEGINNING**, containing 0.006 acre, more or less.

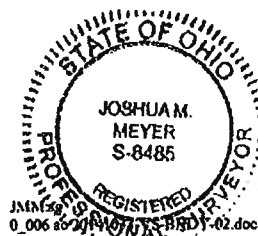
Subject, however, to all legal rights-of-way and/or easements, if any, of previous record.

Iron pins set, where indicated, are iron pipes, thirteen sixteenths (13/16) inch inside diameter, thirty (30) inches long with a plastic plug placed in the top bearing the initials EMHT INC.

The bearings herein are based on the Ohio State Plane Coordinate System South Zone as per NAD83 (1986 Adjustment). Control for bearings was from coordinates of monuments FRANK 73 and FRANK 74, having a bearing of South 73° 57' 18" East, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.

This description is based on an actual field survey performed by or under the direct supervision of Joshua M. Meyer, Registered Surveyor Number 8485 in April 2013.

EVANS, MECHWART, HAMBLETON & TILTON, INC.



[Signature]

Joshua M. Meyer
Professional Surveyor No. 8485

7-14-2014

Date

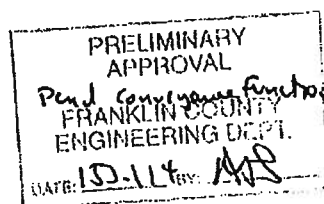


Exhibit B

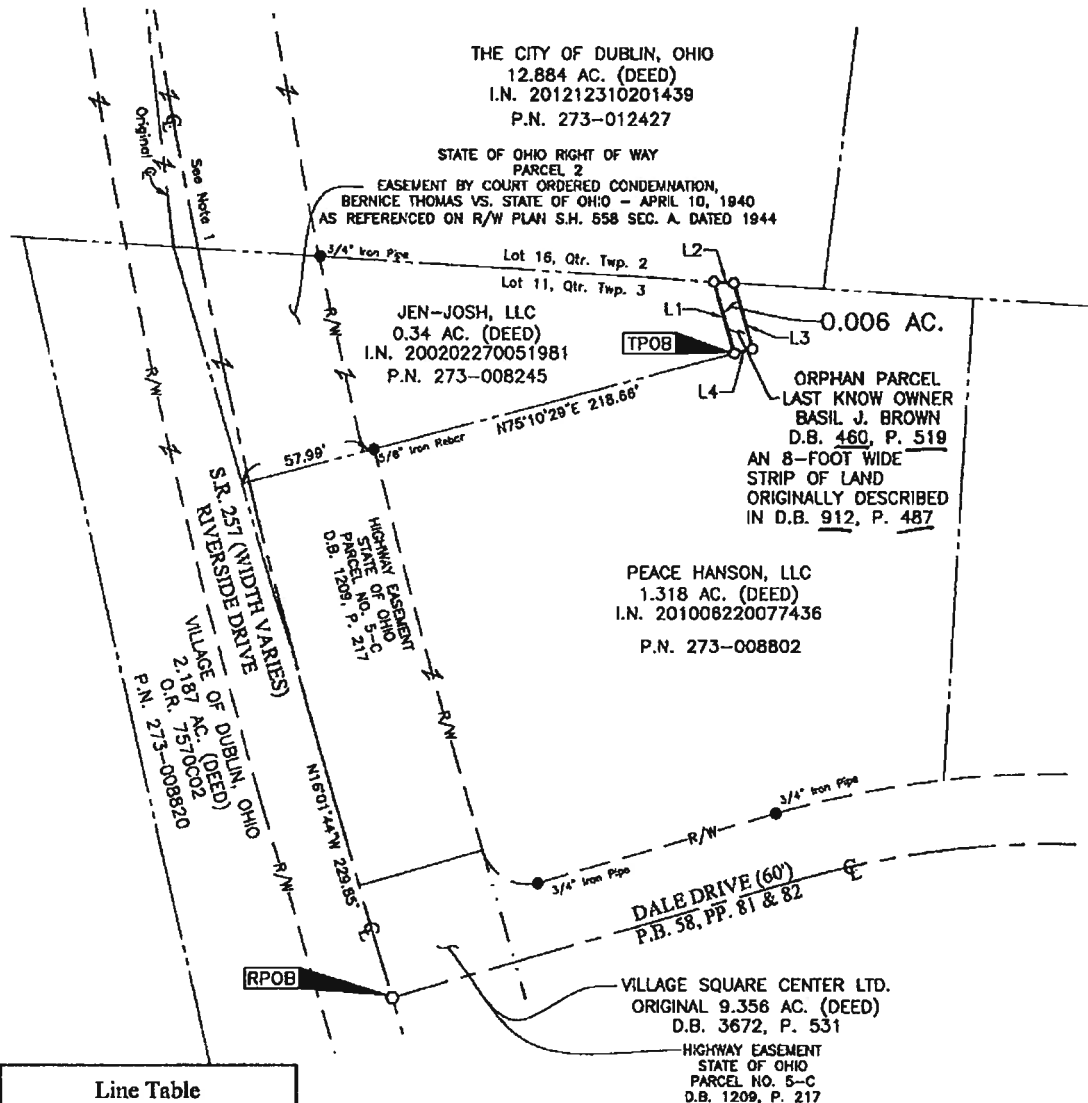


SURVEY OF ACREAGE PARCEL LOT 11, QUARTER TOWNSHIP 3, TOWNSHIP 2, RANGE 19 UNITED STATES MILITARY LANDS CITY OF DUBLIN, COUNTY OF FRANKLIN, STATE OF OHIO

Date: July 14, 2014

Job No. 2014-1033

Scale: 1" = 50'



Line Table

Line Number	Direction	Length
L1	N15°30'28"W	32.17'
L2	S86°21'53"E	8.47'
L3	S15°30'28"E	29.49'
L4	S75°10'29"W	8.00'

- = STONE FND.
- = MON. FND.
- = I.P. FND.
- = I.P. SET
- = MAG. NAIL FND.
- = MAG. NAIL SET
- ▲ = R.R. SPK. FND.
- △ = R.R. SPK. SET
- ◆ = P.K. NAIL FND.

I.P. Set are 13/16" I.D. iron pipe with cap inscribed EMHT INC



NOTE 1:

Reference the following right-of-way plans on file with the Ohio Department of Transportation District 6, Delaware, Ohio:

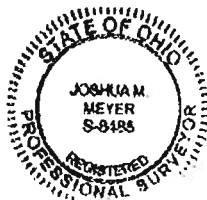
- DUBLIN-BELLEPOINT ROAD S.H. 558 SEC. A. FRANKLIN COUNTY OHIO (1940)
- S.H. 558 SEC. A PT. (1944)

SURVEY NOTE:

This survey was prepared using documents of record, prior plats of survey, and observed evidence located by an actual field survey.

BASIS OF BEARINGS:

The Bearings shown hereon are based on the Ohio State Plane Coordinate System South Zone as per NAD83 (1986 Adjustment). Control for bearings was from coordinates of monuments FRANK 73 and FRANK 74, having a bearing of South 73° 57' 18" East, established by the Franklin County Engineering Department, using Global Positioning System procedures and equipment.



By Joshua M. Meyer
Professional Surveyor No. 8485

Date 7-14-2014